

SHAWN E. MULLIN  
PETER DELVECCHIA vs FRONTIER AIRLINES

December 10, 2019  
1-4

Page 1			Page 3		
1	UNITED STATES DISTRICT COURT		1	EXAMINATION	
2	DISTRICT OF NEVADA		2	WITNESS:	PAGE
3				Shawn Edward Mullin	
4	PETER DELVECCHIA, et al,	}	3		
		}	4	Examination by	
	Plaintiff,	}		Mr. McKay	4,122,134
		}	5		
	vs.	} CASE NO. 2:19-CV-01322-KJD-NJK		Mr. Maye	115,132
		}	6		
7	FRONTIER AIRLINES, INC., et al,	}	7		
		}	8		
	Defendants.		9	EXHIBITS	
9			10	EXHIBIT	PAGE
10			11	Exhibit 1	Notice of Deposition 9
11			12	Exhibit 2	Printouts of ACARS Messages 61
12			13	Exhibit 3	photographs from employee records 76
13			14		
14			15		
15			16		
16			17		
17			18		
18			19		
19	DEPOSITION OF SHAWN EDWARD MULLIN		20		
20	Taken on Tuesday, December 10, 2019		21		
21	At 10:00 a.m.		22		
22	At Titolo Law Office		23		
23	9950 West Cheyenne Avenue		24		
24	Las Vegas, Nevada		25		
25	REPORTED BY: SHIFRA MOSCOVITZ, CCR NO. 938				
Page 2			Page 4		
1	APPEARANCES:			LAS VEGAS, NEVADA; DECEMBER 10, 2019	
2	For Plaintiffs:		2	10:00 A.M.	
3		JOHN D. MCKAY, ESQ.	3	-oOo-	
		PARK AVENUE LAW	4	(NRCP Rule 30(b)(4) waived by the parties prior to the	
4		127 W. Fairbanks Avenue	5	commencement of the deposition.)	
		#519	6	(FRCP Rule 30(b)(5) waived by the parties prior to the	
5		Winter Park, Florida	7	commencement of the deposition.)	
		(800)391-3654	8	Thereupon--	
6			9	SHAWN ADAM MULLIN,	
7			10	was called as a witness, and having been first duly sworn,	
8	For Plaintiffs:		11	was examined and testified as follows:	
9		TIM TITOLO	12	EXAMINATION	
		TITOLO BRAIN AND INJURY LAW	13	BY MR. MCKAY:	
10		9950 W. Cheyenne Avenue	14	VIDEOGRAPHER: This is media number one to	
		Las Vegas, Nevada 89129	15	the video recorded deposition of Shawn Edward	
11		(702)869-5100	16	Mullin in the matter of Peter Delvecchia et al.	
12			17	versus Frontier Airlines Incorporated, et al,	
13			18	being heard before the United States District	
14	For Defendants:		19	Court for the District of Nevada, case number	
15		BRIANE T. MAYE, ESQ.	20	2:19-cv-01322-KJD-NJK. This deposition is	
		ADLER MURPHY & MCQUILLEN LLP	21	being held at Titolo Law Office, 9950 West	
16		20 South Clark Street	22	Cheyenne Avenue, Las Vegas, Nevada, starting at	
		Suite 2500	23	10:04 a.m. My name is Monica Hayworth, and I	
17		Chicago, Illinois 60603	24	am the videographer. The court reporter is	
		(312)345-0700	25	Shifra Moscovitz, with Esquire Deposition	
18					
19					
20					
21	Also Present:	MONICA HAYWORTH, VIDEOGRAPHER			
		PETER DELVECCHIA			
22					
23					
24					
25					

SHAWN E. MULLIN  
PETER DELVECCHIA vs FRONTIER AIRLINES

December 10, 2019  
81-84

<p style="text-align: right;">Page 81</p> <p>1 Q. And what was the basis for that decision?</p> <p>2 A. Making sure the safety of the child was</p> <p>3 paramount to us and we were avoiding any</p> <p>4 inappropriate or potentially dangerous situations</p> <p>5 that could arise.</p> <p>6 Q. Now, had you at that point received any</p> <p>7 information about who the adult and child were?</p> <p>8 A. With respect to what?</p> <p>9 Q. Flames?</p> <p>10 A. No.</p> <p>11 Q. Okay. Family relationship?</p> <p>12 A. No, only that they were sitting together</p> <p>13 and they were moved once. So I would assume that</p> <p>14 they were family or traveling together.</p> <p>15 Q. Could you have asked dispatch and/or SOC</p> <p>16 for at least their names?</p> <p>17 A. It's possible.</p> <p>18 Q. It's possible that you could have done it?</p> <p>19 A. Yes, but even if we would have asked, it's</p> <p>20 not incredibly accurate, they would have had, you</p> <p>21 know, passengers move into the incorrect seats</p> <p>22 occasionally. So in the past we have done that, we</p> <p>23 have gotten incorrect information and still had to</p> <p>24 work with it through the passengers themselves.</p> <p>25 Q. I see.</p>	<p style="text-align: right;">Page 83</p> <p>1 A. There was no discussion about it. I mean</p> <p>2 I think it was used as a descriptor by somebody, but</p> <p>3 I don't know, it was not a relevant fact in our</p> <p>4 determinations of the captain and I making a</p> <p>5 decision.</p> <p>6 Q. So well one of the flight attendants you</p> <p>7 are saying said the older man is white and the</p> <p>8 younger child is black?</p> <p>9 MR. MAYE: Object to form.</p> <p>10 Q. Is that correct?</p> <p>11 A. I don't know that they said the older man</p> <p>12 was white. I know that it was a young African</p> <p>13 American child. But I don't remember when they said</p> <p>14 anything about the adult.</p> <p>15 Q. But somehow you knew it was not an African</p> <p>16 American adult traveling with an African American</p> <p>17 child?</p> <p>18 A. Yes, I don't know how that came up, it</p> <p>19 would have been with one of the flight attendants.</p> <p>20 Q. But you never saw, right?</p> <p>21 A. No.</p> <p>22 Q. So you would have had to have been told</p> <p>23 that information by one of the flight attendants?</p> <p>24 MR. MAYE: Object to form.</p> <p>25 Q. Let me ask it a different way. Since you</p>
<p style="text-align: right;">Page 82</p> <p>1 A. So we could have asked, sure, but it</p> <p>2 wouldn't have made a difference in our decisions.</p> <p>3 Q. Somebody could have asked the passengers</p> <p>4 themselves, couldn't they?</p> <p>5 A. Sure, we knew that they were traveling</p> <p>6 together, that they had sat together and moved</p> <p>7 together, so it was safe to say they were together</p> <p>8 in that situation.</p> <p>9 Q. Was there any attempt made to ask them why</p> <p>10 they were traveling together?</p> <p>11 A. No, I mean people travel for many reasons,</p> <p>12 and I don't think anyone asked.</p> <p>13 Q. Was there any attempt made to ask them</p> <p>14 their names?</p> <p>15 A. I don't know that, I don't know if that's</p> <p>16 a yes or no, I didn't ask them, so.</p> <p>17 Q. You didn't ask anybody to find out what</p> <p>18 their names are?</p> <p>19 A. I did not ask that, no.</p> <p>20 Q. Was there a discussion that they couldn't</p> <p>21 be related to each other?</p> <p>22 A. No.</p> <p>23 Q. Was there at this point in time, with four</p> <p>24 people in the cockpit, was there a discussion about</p> <p>25 their different races?</p>	<p style="text-align: right;">Page 84</p> <p>1 never saw them, you could only find out their race</p> <p>2 by being told, right?</p> <p>3 A. Yes.</p> <p>4 Q. And the only people that would have</p> <p>5 communicated that information to you were the flight</p> <p>6 attendants?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, you, yourself, never saw the</p> <p>9 adults touch the child?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Who made the decision to separate</p> <p>12 the two passengers?</p> <p>13 A. I think the four of us collectively had.</p> <p>14 Like I said, earlier the captain and I had discussed</p> <p>15 with the first flight attendant about what could</p> <p>16 lead us to a situation where we would want to</p> <p>17 separate them or what other outcomes we would have</p> <p>18 to the extent of landing immediately, and as all</p> <p>19 four flight attendants are in the cockpit, the</p> <p>20 amount of information and the details that we had</p> <p>21 received had led us down the track that we should</p> <p>22 separate them and make sure to diffuse the situation</p> <p>23 as best we can in the current in environment.</p> <p>24 Q. So the decision was made based on new</p> <p>25 information which was A, that the adult's hand was</p>